

THIRTY-SECOND DAY - FEBRUARY 25, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 25, 2003

PRAYER

The prayer was offered by Pastor Bob Call, United Methodist Church, Oakland, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Bromm presiding.

The roll was called and all members were present except Senators Brashear, Brown, Friend, Hartnett, Kremer, and Loudon who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-first day was approved.

**STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs**

LEGISLATIVE BILL 323. Placed on General File.

LEGISLATIVE BILL 396. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

ANNOUNCEMENT

Senator Erdman designates LB 526 as his priority bill.

MESSAGE FROM THE GOVERNOR

February 10, 2003

President, Speaker Bromm
and Members of the Legislature

State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Bromm, and Members:

Contingent upon your approval, the following individual has been appointed as the State Fire Marshal.

APPOINTEE:

Dennis C. Hohbein, 1720 Hoyt St, Beatrice, NE 68310

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs
Room 1507

Friday, March 14, 2003

1:30 p.m.

Gift of Real Property - from Norfolk to the Nebraska Military Department

(Signed) DiAnna R. Schimek, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 34 and 35 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 34, 35, 36, and 37.

GENERAL FILE

LEGISLATIVE BILL 54A. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 234A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

SELECT FILE**LEGISLATIVE BILL 30A.** Advanced to E & R for engrossment.**LEGISLATIVE BILL 31A.** Advanced to E & R for engrossment.**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

LEGISLATIVE BILL 41.

A BILL FOR AN ACT relating to the County Purchasing Act; to amend sections 23-3104, 23-3107, 23-3108, and 23-3109, Reissue Revised Statutes of Nebraska; to change provisions relating to bidding requirements; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Aguilar	Connealy	Johnson	Pederson, D.	Stuthman
Baker	Cudaback	Jones	Preister	Synowiecki
Beutler	Cunningham	Kremer	Price	Thompson
Bourne	Engel	Kruse	Quandahl	Tyson
Brashear	Erdman	Landis	Raikes	Vrtiska
Bromm	Foley	Maxwell	Redfield	Wehrbein
Burling	Hartnett	McDonald	Schimek	
Byars	Hudkins	Mines	Schrock	
Chambers	Janssen	Mossey	Smith	
Combs	Jensen	Pedersen, Dw.	Stuhr	

Voting in the negative, 0.

Present and not voting, 1:

Friend

Excused and not voting, 2:

Brown Louden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 76.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-966, Reissue Revised Statutes of Nebraska; to change

membership provisions for facility boards; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Connealy	Jensen	Pedersen, Dw.	Stuhr
Baker	Cudaback	Johnson	Pederson, D.	Stuthman
Beutler	Cunningham	Jones	Preister	Synowiecki
Bourne	Engel	Kremer	Price	Thompson
Brashear	Erdman	Kruse	Quandahl	Tyson
Bromm	Foley	Landis	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hartnett	McDonald	Schimek	
Chambers	Hudkins	Mines	Schrock	
Combs	Janssen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Brown Louden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 84. With Emergency.

A BILL FOR AN ACT relating to county attorneys; to amend sections 23-1201.01 and 32-604, Reissue Revised Statutes of Nebraska; to change provisions relating to holding more than one office; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Aguilar	Combs	Hudkins	Mines	Schrock
Baker	Connealy	Janssen	Mossey	Smith
Beutler	Cudaback	Jensen	Pedersen, Dw.	Stuhr
Bourne	Cunningham	Johnson	Pederson, D.	Stuthman
Brashear	Engel	Jones	Preister	Synowiecki
Bromm	Erdman	Kremer	Price	Thompson
Burling	Foley	Kruse	Raikes	Tyson
Byars	Friend	Landis	Redfield	Vrtiska
Chambers	Hartnett	McDonald	Schimek	Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Maxwell Quandahl

Excused and not voting, 2:

Brown Louden

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 85. With Emergency.

A BILL FOR AN ACT relating to state government; to amend sections 8-105, 44-119, and 81-1373, Reissue Revised Statutes of Nebraska, and section 81-1316, Revised Statutes Supplement, 2002; to provide for reclassification of certain deputies and examiners as at-will employees; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Aguilar	Connealy	Janssen	Mines	Stuhr
Baker	Cudaback	Jensen	Mossey	Stuthman
Bourne	Cunningham	Johnson	Pedersen, Dw.	Thompson
Brashear	Engel	Jones	Pederson, D.	Tyson
Bromm	Erdman	Kremer	Price	Vrtiska
Burling	Foley	Kruse	Quandahl	Wehrbein
Byars	Friend	Landis	Raikes	
Chambers	Hartnett	Maxwell	Redfield	
Combs	Hudkins	McDonald	Smith	

Voting in the negative, 4:

Beutler Preister Schimek Synowiecki

Present and not voting, 1:

Schrock

Excused and not voting, 2:

Brown Louden

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 85A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 85, Ninety-eighth Legislature, First Session, 2003; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Aguilar	Connealy	Jensen	Pedersen, Dw.	Stuhr
Baker	Cudaback	Johnson	Pederson, D.	Stuthman
Bourne	Cunningham	Jones	Price	Thompson
Brashear	Engel	Kremer	Quandahl	Tyson
Bromm	Erdman	Landis	Raikes	Vrtiska
Burling	Foley	Maxwell	Redfield	Wehrbein
Byars	Friend	McDonald	Schimek	
Chambers	Hartnett	Mines	Schrock	
Combs	Hudkins	Mossey	Smith	

Voting in the negative, 0.

Present and not voting, 5:

Beutler	Janssen	Kruse	Preister	Synowiecki
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Excused and not voting, 2:

Brown	Louden
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 90.

A BILL FOR AN ACT relating to counties; to amend section 22-119, Reissue Revised Statutes of Nebraska, and sections 22-112 and 22-171, Revised Statutes Supplement, 2002; to change the boundary line between the counties of Butler and Colfax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Connealy	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Synowiecki
Bourne	Engel	Kremer	Preister	Thompson
Brashear	Erdman	Kruse	Price	Tyson
Bromm	Foley	Landis	Quandahl	Vrtiska
Burling	Friend	Louden	Raikes	Wehrbein
Byars	Hartnett	Maxwell	Redfield	
Chambers	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Stuthman

Excused and not voting, 1:

Brown

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 126 with 42 ayes, 1 nay, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 126. With Emergency.

A BILL FOR AN ACT relating to the State Electrical Act; to amend sections 81-2101 to 81-2103, 81-2106 to 81-2108, 81-2113, 81-2114, 81-2117.02 to 81-2119, 81-2135, and 81-2141, Reissue Revised Statutes of Nebraska, and section 81-2104, Revised Statutes Supplement, 2002; to change and eliminate provisions relating to the State Electrical Board, licensing under the act, and fees; to harmonize provisions; to repeal the original sections; to outright repeal section 81-2145, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Aguilar	Connealy	Johnson	Pedersen, Dw.	Stuhr
Baker	Cudaback	Jones	Pederson, D.	Stuthman
Beutler	Engel	Kremer	Preister	Synowiecki
Bourne	Erdman	Kruse	Price	Thompson
Brashear	Foley	Landis	Quandahl	Tyson
Bromm	Friend	Louden	Raikes	Vrtiska
Burling	Hartnett	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Cunningham

Excused and not voting, 1:

Brown

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 131 with 43 ayes, 2 nays, 3 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 131.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-1,139, 8-1501, 8-1505, 8-1506.01, 8-1901, 18-2707, 21-20,138, 45-1,112, 45-345, 64-215, 69-1301, and 77-2366, Reissue Revised Statutes of Nebraska, and sections 8-101, 8-102, 8-103, 8-157.01, 8-345.01, 8-601, 8-602, 8-1110, 8-1401, 8-1502, 8-1504, 8-1516, 9-1,104, 12-1102, 12-1107, 21-20,162, 28-612, 45-101.04, 45-190, 45-702, 45-1002, 45-1003, 62-301, 76-2221, 77-2387, and 77-3801, Revised Statutes Supplement, 2002; to eliminate references to industrial loan and investment companies; to eliminate the Nebraska Depository Institution Guaranty Corporation Act; to redefine terms; to change powers and duties of the Director of Banking and Finance; to harmonize provisions; to repeal the original sections; and to outright repeal sections 8-401 to 8-404.02, 8-406 to 8-410, 8-410.02 to

8-417.01, 8-435 to 8-450, 21-17,127 to 21-17,130, and 21-17,132 to 21-17,145, Reissue Revised Statutes of Nebraska, and section 21-17,131, Revised Statutes Supplement, 2002.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Aguilar	Connealy	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Stuthman
Bourne	Engel	Kremer	Preister	Synowiecki
Brashear	Erdman	Kruse	Price	Thompson
Bromm	Foley	Landis	Quandahl	Tyson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 1:

Brown

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

ANNOUNCEMENT

The Chair announced today is Senator Kruse's birthday.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 213.

A BILL FOR AN ACT relating to the Licensed Practical Nurse-Certified Act; to amend section 71-1773, Reissue Revised Statutes of Nebraska, and sections 71-1774, 71-1775, 71-1776, 71-1779, and 71-1780, Revised Statutes Supplement, 2002; to eliminate provisions relating to nasogastric tube insertion by licensed practical nurses-certified; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Aguilar	Connealy	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Stuthman
Bourne	Engel	Kremer	Preister	Synowiecki
Brashear	Erdman	Kruse	Price	Thompson
Bromm	Foley	Landis	Quandahl	Tyson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 1:

Brown

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 214. With Emergency.

A BILL FOR AN ACT relating to accountants; to amend sections 1-114, 1-118, 1-119, 1-120, 1-124, 1-135, and 1-136, Reissue Revised Statutes of Nebraska; to change provisions relating to examinations and fees; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Aguilar	Connealy	Jensen	Mossey	Stuhr
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuthman
Beutler	Cunningham	Jones	Pederson, D.	Synowiecki
Bourne	Engel	Kremer	Preister	Thompson
Brashear	Erdman	Kruse	Price	Tyson
Bromm	Foley	Landis	Quandahl	Vrtiska
Burling	Friend	Louden	Raikes	Wehrbein
Byars	Hartnett	Maxwell	Redfield	
Chambers	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Schrock

Excused and not voting, 1:

Brown

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Member Excused

Senator Connealy asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 216 to Select File

Senator Beutler moved to return LB 216 to Select File for the following specific amendment:

AM0542

(Amendments to Final Reading copy)

- 1 1. On page 47, line 9, after "that" insert "an insurer
- 2 may at its option file policy forms and related rules of attachment
- 3 in accordance with section 44-7513 and".
- 4 2. On page 48, line 11, after "section" insert "or finds
- 5 that the insurer committed one or more egregious acts relating to
- 6 the filing standards"; and in line 19, strike the first "shall" and
- 7 insert "may".

The Beutler motion to return prevailed with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 216. The Beutler specific amendment, AM0542, found in this day's Journal, was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 216 to Select File

Senator Beutler moved to return LB 216 to Select File for the following specific amendment:

AM0543

(Amendments to Final Reading copy)

- 1 1. On page 52, line 12, strike "may" and insert "shall"
- 2 and strike "at any" and insert "within a reasonable"; and in line

3 28 after "but" insert "with the approval of the director".

4 2. On page 52, line 22; and page 53, line 3, strike "1

5 within thirty days after its receipt."

6 3. On page 53, strike beginning with "thirty-day" in

7 line 5 through "director" in line 7 and insert "filer shall furnish

8 the requested information within ninety days".

Senator Baker moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 4 nays, and 16 not voting.

Senator Beutler withdrew his motion to return.

Senator Chambers moved to return LB 216 to Select File for the following specific amendment:

FA1182

P. 4, line 9 after "director" insert: "proof that it does not discriminate in employment based on sexual orientation"; and strike "or" and insert "and"

SENATOR CUDABACK PRESIDING

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers withdrew his motion to return.

MOTION - Return LB 217 to Select File

Senator Chambers moved to return LB 217 to Select File for the following specific amendment:

FA1183

P. 9, line 24 after "8-701" insert "that has a policy prohibiting discrimination based on sexual orientation,"

Senators Brashear, Cunningham, Maxwell, and McDonald asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 217 with 33 ayes, 2 nays, 8 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 217. With Emergency.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-116.01, 8-133, 8-148, 8-1,118, 8-373, 8-378, 8-701, 8-916, 8-1013, 8-1503, 8-1510, 8-1731, 21-17,102, 45-335, 45-343, 45-345, 59-1701.01, 59-1703, 59-1749, 59-1758.01, and 76-2,123, Reissue Revised Statutes of Nebraska, and sections 8-101, 8-115.01, 8-132, 8-157, 8-1,140, 8-234, 8-355, 8-602, 8-815, 8-1001, 8-1003, 8-1015, 8-1103, 8-1120, 8-1507, 8-1603, 21-1725.01, 21-17,115, 45-191.02, 45-902, 45-1002, 45-1003, and 45-1018, Revised Statutes Supplement, 2002; to change and eliminate provisions relating to financial institutions; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change provisions relating to personal loans; to define and redefine terms; to change and provide powers for the Director of Banking and Finance; to eliminate an obsolete securities fee refund; to provide and change fees; to change provisions relating to rules and regulations of the Department of Banking and Finance, the credit of certain fees, delayed deposits, and seller-assisted marketing plans; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 8-131, Reissue Revised Statutes of Nebraska, and section 8-1103.01, Revised Statutes Supplement, 2002; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Aguilar	Cudaback	Jensen	Pedersen, Dw.	Smith
Baker	Cunningham	Johnson	Pederson, D.	Stuhr
Bourne	Engel	Jones	Preister	Stuthman
Bromm	Erdman	Kremer	Price	Synowiecki
Burling	Foley	Kruse	Quandahl	Thompson
Byars	Friend	Landis	Raikes	Tyson
Chambers	Hartnett	Louden	Redfield	Vrtiska
Combs	Hudkins	Mines	Schimek	Wehrbein
Connealy	Janssen	Mossey	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 4:

Brashear Brown Maxwell McDonald

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Senator Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BROMM PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 41, 76, 84, 85, 85A, 90, 126, 131, 213, 214, and 217.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 30A, 31A, 45, 53, 102, 181, 185, 186, 218, 259, 319, 371, and LR 2CA.

ER9019

Enrollment and Review Change to LB 45

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, lines 2 to 7 and all amendments thereto have been struck and "sections 71-5709 and 71-5713, Reissue Revised Statutes of Nebraska; to change duties of persons in charge of public places; to change provisions relating to enforcement of the act; to provide for reporting of violations; and to repeal the original sections." inserted.

ER9020

Enrollment and Review Change to LB 186

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 3, line 23, an underscored comma has been inserted after "highway".

ER9021

Enrollment and Review Change to LB 218

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 32, line 9, an underscored comma has been inserted after "loans"; and in line 10 an underscored comma has been inserted after "45-702".

LEGISLATIVE BILL 219. Placed on Select File as amended.

E & R amendment to LB 219:

AM7069

- 1 1. On page 1, line 3, strike "and"; and in line 4 after
- 2 "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 234. Placed on Select File as amended.

E & R amendment to LB 234:

AM7070

- 1 1. On page 2, line 18, after "and" insert "(c)".

LEGISLATIVE BILL 56. Placed on Select File as amended.

E & R amendment to LB 56:

AM7071

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 71-2601, Revised Statutes
- 4 Supplement, 2002, is amended to read:
- 5 71-2601. (1) The State Board of Health shall promote and
- 6 protect the health and safety of all people in Nebraska.
- 7 (2) The board shall consist of seventeen members to be
- 8 appointed by the Governor with the consent of a majority of the
- 9 members of the Legislature. Two members shall be licensed to
- 10 practice medicine and surgery in this state, one member shall be
- 11 licensed to practice dentistry in this state, one member shall be
- 12 licensed to practice optometry in this state, one member shall be
- 13 licensed to practice veterinary medicine in this state, one member
- 14 shall be licensed to practice pharmacy in this state, two members
- 15 shall be licensed to practice nursing in this state, one member
- 16 shall be licensed to practice osteopathic medicine and surgery or
- 17 as an osteopathic physician in this state, one member shall be
- 18 licensed to practice podiatry in this state, one member shall be
- 19 licensed to practice chiropractic in this state, one member shall
- 20 be licensed to practice physical therapy in this state, one member
- 21 shall be a professional engineer in this state, one member shall be
- 22 an administrator of a hospital in this state which is licensed
- 23 under the Health Care Facility Licensure Act, one member shall be a
- 24 credentialed mental health professional, and two members shall be
- 1 public members who at all times are public-spirited citizens of
- 2 Nebraska interested in the health of the people of the State of
- 3 Nebraska and not less than twenty-one years of age. If a member
- 4 fails at any time to meet the qualifications for the position for
- 5 which he or she was appointed, such member may be removed by the
- 6 Governor pursuant to section 71-2603.
- 7 (3) The Governor shall also be an ex officio member of

8 such board but shall be permitted to vote on matters before the
9 board only when necessary to break a tie.

10 Sec. 2. Section 71-2602, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 71-2602. The Governor shall appoint the members of the
13 State Board of Health. Each member of the board serving on
14 ~~September 9, 1993, the effective date of this act shall hold office~~
15 ~~for the remainder of the term for which he or she was appointed~~
16 until August 1 of the calendar year in which his or her term would
17 otherwise expire. Appointments made for the succeeding members
18 shall be for terms of five years. The term of office of each
19 member of the board shall expire on ~~September 14~~ August 1 of the
20 appropriate year. If a vacancy occurs prior to the expiration of a
21 term, the Governor shall appoint a successor with similar
22 qualifications for the remainder of the unexpired term. No member
23 of the board shall serve more than two consecutive, full terms. If
24 the Legislature is not in session when an appointment is made by
25 the Governor, the member shall take office and act as a recess
26 appointee until the Legislature convenes.

27 Sec. 3. Section 71-2603, Reissue Revised Statutes of
1 Nebraska, is amended to read:

2 71-2603. Members of the State Board of Health may be
3 removed by the Governor for inefficiency, neglect of duty, failure
4 to maintain the qualifications for the position for which
5 appointed, or misconduct in office, but only after delivering to
6 the member a copy of the charges and affording ~~him~~ the member an
7 opportunity of being publicly heard in person or by counsel in his
8 or her own defense, upon not less than ten days' notice. Such
9 hearing shall be held before the Governor. If such member ~~shall be~~
10 is removed, the Governor shall file in the office of the Secretary
11 of State a complete statement of all charges made against such
12 member and ~~his~~ the Governor's findings thereon, together with a
13 complete record of the proceedings.

14 Sec. 4. Section 71-2606, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 71-2606. ~~The~~ In the last calendar quarter of each year,
17 the members of the State Board of Health shall meet ~~in January of~~
18 ~~each year~~ and shall elect a ~~chairman~~ chairperson of the board from
19 ~~its~~ the members; and such other officers, including a
20 ~~vice chairman, as it~~ vice-chairperson and a secretary, as the board
21 deems necessary. In case of the death, resignation, or other
22 permanent absence of the ~~chairman~~ chairperson of the board, the
23 ~~vice chairman~~ vice-chairperson shall assume the office of ~~chairman~~
24 chairperson and the members of the ~~State Board of Health board~~ at
25 the next regular meeting of the board, or at a special meeting of
26 the board pursuant to a call signed by five members; of which the
27 other members shall have at least three days' notice, shall elect a
1 new chairman chairperson of the board from ~~its~~ the members; and
2 such other new officers as ~~it~~ the board deems necessary.

3 Sec. 5. Section 71-2607, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 71-2607. The State Board of Health shall meet at least
6 once each quarter; and at such other times as it deems necessary.
7 Special meetings may be held upon the call of the ~~chairman~~;
8 chairperson or pursuant to a call signed by five other members; of
9 which the ~~chairman~~ chairperson and the other members of the board
10 shall have at least three days' notice. All regular meetings shall
11 be held in suitable offices to be provided in the ~~State Capitol~~
12 state office building described in section 81-1108.37 or elsewhere.
13 A majority of the members of the board shall constitute a quorum
14 for the transaction of business. Every act of a majority of the
15 members of the board shall be deemed to be the act of the board.
16 All meetings shall be open to the public. The minutes of the
17 meetings shall show the action of the board on matters presented;
18 and shall be open to public inspection.

19 Sec. 6. Section 71-2610, Reissue Revised Statutes of
20 Nebraska, is amended to read:
21 71-2610. (1) The State Board of Health shall advise the
22 ~~department~~ Department of Health and Human Services Regulation and
23 Licensure regarding:

24 ~~(4) (a) Rules and regulations for the government of the~~
25 ~~Department of Health and Human Services Regulation and Licensure~~
26 ~~including those required pursuant to section 71-115.01~~ department;

27 ~~(2) (b) The policies of the department as they relate to~~
1 support provided to the board;

2 (c) The policies of the department concerning the
3 professions and occupations described in section 71-2610.01;

4 (d) Communication and cooperation among the professional
5 boards; and

6 (e) Plans of organization or reorganization of the
7 department.

8 (2) Upon request of the Policy Cabinet, the board shall
9 advise them on matters pertaining to public health. ~~Department of~~
10 ~~Health and Human Services Regulation and Licensure;~~

11 ~~(3) Health needs for the state;~~

12 ~~(4) An educational health program throughout the state;~~
13 ~~and~~

14 ~~(5) Plans of organization or reorganization of the~~
15 ~~Department of Health and Human Services Regulation and Licensure.~~

16 ~~All funds rendered available by law, including funds~~
17 ~~already collected for such purposes, may be used by the department~~
18 ~~in administering and effecting such purposes.~~

19 Sec. 7. Section 71-2610.01, Revised Statutes Supplement,
20 2002, is amended to read:

21 71-2610.01. ~~(4) The State Board of Health shall; have~~
22 ~~the power and duty to:~~

23 ~~(a) (1) Adopt and promulgate rules and regulations for~~
24 ~~the government of the professions and occupations licensed,~~

25 certified, registered, or issued permits by the Department of
26 Health and Human Services Regulation and Licensure, including rules
27 and regulations necessary to implement laws enforced by the
1 department. These professions and occupations ~~include, but are not~~
2 ~~limited to, are those subject to~~ the Advanced Practice Registered
3 Nurse Act, the Asbestos Control Act, the Licensed Practical
4 Nurse-Certified Act, the Nebraska Certified Nurse Midwifery
5 Practice Act, the Nebraska Cosmetology Act, the Nurse Practice Act,
6 the Occupational Therapy Practice Act, the Radiation Control Act,
7 the Residential Lead-Based Paint Professions Certification Act, the
8 Uniform Controlled Substances Act, the Uniform Licensing Law, the
9 Wholesale Drug Distributor Licensing Act, or sections 71-102,
10 71-3702 to 71-3715, 71-4701 to 71-4719, and 71-6053 to 71-6068;

11 (2) Serve in an advisory capacity for other rules and
12 regulations adopted and promulgated by the department, including
13 those for health care facilities and environmental health services;

14 (3) Carry out its powers and duties under the Nebraska
15 Regulation of Health Professions Act;

16 (4) Appoint and remove for cause members of
17 health-related professional boards as provided in sections 71-111,
18 71-112, and 71-118;

19 (5) At the discretion of the board, help mediate issues
20 related to the regulation of health care professions except issues
21 related to the discipline of health care professionals; and

22 (6) Have the authority to participate in the periodic
23 review of the regulation of health care professions. and

24 ~~(b) Determine the policies of the department concerning~~
25 ~~the professions and occupations listed in this section.~~

26 ~~(2) All funds rendered available by law may be used by~~
27 ~~the board in administering and effecting such purposes.~~

1 Sec. 8. No member of the State Board of Health shall be
2 liable in damages to any person for slander, libel, defamation of
3 character, breach of any privileged communication, or otherwise for
4 any action taken or recommendation made within the scope of the
5 functions of such board while acting as an agent of the state if
6 such board member acts without malice and in the reasonable belief
7 that such action or recommendation is warranted by the facts known
8 to him or her after a reasonable effort is made to obtain the facts
9 on which such action is taken or recommendation is made.

10 Sec. 9. This act becomes operative on October 1, 2003.

11 Sec. 10. Original sections 71-2602, 71-2603, 71-2606,
12 71-2607, and 71-2610, Reissue Revised Statutes of Nebraska, and
13 sections 71-2601 and 71-2610.01, Revised Statutes Supplement, 2002,
14 are repealed."

15 2. On page 1, line 2, after the fourth comma insert
16 "and"; in lines 2 and 3 strike "and 71-2610.01,"; and in line 4
17 strike "section 71-2601" and insert "sections 71-2601 and
18 71-2610.01".

LEGISLATIVE BILL 537. Placed on Select File as amended.

E & R amendment to LB 537:

AM7072

- 1 1. On page 2, line 9, strike "Voter Registration Cash"
- 2 and insert "Election Administration".

LEGISLATIVE BILL 228. Placed on Select File as amended.

E & R amendment to LB 228:

AM7074

- 1 1. On page 1, line 5, after the semicolon insert "to
- 2 provide a penalty;" and strike "and" and insert a comma; in line 6
- 3 after "license" insert ", and state identification card" and after
- 4 the semicolon insert "to change provisions relating to use of a
- 5 fund;".
- 6 2. On page 7, line 16, strike the comma and insert an
- 7 underscored period.

LEGISLATIVE BILL 228A. Placed on Select File.

LEGISLATIVE BILL 418. Placed on Select File as amended.

E & R amendment to LB 418:

AM7073

- 1 1. In the Standing Committee amendments, AM0224:
- 2 a. On page 2, line 15, strike "include" and insert
- 3 "includes"; and
- 4 b. On page 4, line 27; and page 5, lines 7 and 11,
- 5 strike "promulgated" and insert "adopted and promulgated pursuant".
- 6 2. On page 1, strike beginning with "section" in line 1
- 7 through line 4 and insert "sections 48-2201 to 48-2206, Reissue
- 8 Revised Statutes of Nebraska, and sections 48-1702 and 81-404,
- 9 Revised Statutes Supplement, 2002; to name the Non-English-Speaking
- 10 Workers Protection Act; to define terms; to eliminate a termination
- 11 date; to harmonize provisions; and to repeal the original
- 12 sections."

LEGISLATIVE BILL 157. Placed on Select File.

LEGISLATIVE BILL 54A. Placed on Select File.

LEGISLATIVE BILL 234A. Placed on Select File.

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORTS

General Affairs

LEGISLATIVE RESOLUTION 6CA. Indefinitely postponed.

LEGISLATIVE RESOLUTION 23CA. Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

Transportation and Telecommunications**LEGISLATIVE BILL 700.** Indefinitely postponed.**LEGISLATIVE BILL 706.** Indefinitely postponed.

(Signed) Tom Baker, Chairperson

ANNOUNCEMENT

Senator Vrtiska designates LB 165 as his priority bill.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Hohbein, Dennis C. - State Fire Marshal - Government, Military and Veterans Affairs

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board**AMENDMENTS - Print in Journal**Senator Beutler filed the following amendment to LB 94:
AM0545

- 1 1. In the E and R amendments, AM7058:
- 2 a. On page 4, line 21, strike the first "to" and insert
- 3 "which shall"; and
- 4 b. On page 5, line 19, strike "shall" and insert "may".

Senator Beutler filed the following amendment to LB 158:
FA1180

In line 27, page 18 strike "money" and insert "cash funds"

Senator Chambers filed the following amendment to LB 429:
FA1181Page 2, line 16, strike "and"; in line 21, strike the period and insert "; and (c) the operator of the establishment has a written policy prohibiting discrimination in employment based on sexual orientation."Senator Schimek filed the following amendment to LR 14CA:
AM0544

- 1 1. On page 3, line 24, after "the" insert "state's tax".

Senator Schrock filed the following amendment to LB 94:
AM0550

(Amendments to E & R amendments, AM7058)

- 1 1. Strike section 17 and insert the following new
- 2 section:
- 3 "Sec. 17. The Private Onsite Wastewater Treatment System
- 4 Contractors Certification and System Registration Act does not
- 5 apply to a private onsite wastewater treatment system at an
- 6 electric generation facility site owned by a district organized
- 7 under Chapter 70, article 6.".
- 8 2. Renumber the remaining sections accordingly.

Senator Schrock filed the following amendment to LB 94:
AM0551

(Amendments to E & R amendments, AM7058)

- 1 1. On page 4, line 27, strike "Procedures" and insert
- 2 "Requirements".
- 3 2. On page 5, line 19, after "(2)" insert "Beginning
- 4 January 1, 2004, any private onsite wastewater treatment system
- 5 constructed, reconstructed, altered, modified, or inspected by a
- 6 certified professional shall be registered with the department by
- 7 the certified professional within forty-five days of completion of
- 8 the construction, reconstruction, alteration, modification, or
- 9 inspection. The certified professional shall submit the
- 10 registration on forms provided by the department and shall include
- 11 the registration fee. The registration fee shall be fifty dollars
- 12 until rules and regulations adopted and promulgated under the act
- 13 provide a schedule of system registration fees adequate to cover
- 14 direct and indirect program costs.
- 15 (3)".
- 16 3. On page 6, line 4, strike "(3)" and insert "(4)"; in
- 17 lines 5 and 11 strike "(2)" and insert "(3)"; and in line 10 strike
- 18 "(4)" and insert "(5)".

NOTICE OF COMMITTEE HEARING
Natural Resources
Room 1525

Friday, March 14, 2003

1:30 p.m.

Mark Pinkerton - Game and Parks Commission

William Zutavern - Game and Parks Commission

James Stuart - Game and Parks Commission

(Signed) Ed Schrock, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 38. Introduced by Schimek, 27; Louden, 49.

WHEREAS, at its meeting on April 9, 2002, the Board of Trustees of the Nebraska State Colleges approved a resolution to rename the Old Library

Building at Chadron State College "The Mari Sandoz High Plains Heritage Center"; and

WHEREAS, the Old Library Building, built in 1929, has been renovated, and the Vernon Chicoine and Madge Fortune Chicoine Atrium has been added, so that the facility now houses the Mari Sandoz Museum with artifacts and archives, interpretive exhibit areas, and an archival repository, an extensive western history library with artifacts and collections devoted to the study of the history of the High Plains, a digital imaging lab, meeting rooms, and two major George Lundeen sculptures; and

WHEREAS, Mari Sandoz was born May 11, 1896, on the family homestead in Sheridan County in northwestern Nebraska; and

WHEREAS, against incredible odds and with limited formal education, she achieved statewide, national, and international acclaim for her story writing; and

WHEREAS, most of her twenty-three books continue to be reprinted and have been published in German, French, Italian, and Japanese and four were listed in 1954 by the Chicago Corral of the Westerners as being among the one hundred best books about the American West; and

WHEREAS, several Mari Sandoz books appeared as Book-of-the-Month Club selections and some of her books were adapted into motion pictures; and

WHEREAS, Mari Sandoz was inducted into the Nebraska Hall of Fame in 1976, one of only twenty-two Nebraskans to date to have received this distinguished recognition. In 1998 she was posthumously inducted into the Hall of Great Westerners of the National Cowboy and Western Heritage Museum; and

WHEREAS, the college plans to complete the facility with the eventual addition of a supporting conference and meeting center, focusing on the life of Mari Sandoz and her writings, that will attract more scholars, visitors, and tourists to the State of Nebraska and to the campus of Chadron State College; and

WHEREAS, on October 7, 2002, Governor Mike Johanns gave his approval of the proposed renaming of the facility as "The Mari Sandoz High Plains Heritage Center"; and

WHEREAS, Reissue Revised Statutes of Nebraska, 1943, section 81-1108.36, requires that name changes for state-owned structures be approved by the Governor and the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature approves the renaming of the Old Library Building, located at the west edge of the Chadron State College campus, as "The Mari Sandoz High Plains Heritage Center".

2. That the Legislature recognizes the significant accomplishment of this project funded with private donations and congratulates the Nebraska State Colleges on this important addition to the region and the state.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senator Bromm asked unanimous consent to have his name added as cointroducer to LB 529. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 588. No objections. So ordered.

VISITORS

Visitors to the Chamber were Ken Meyer from Creighton; 30 eleventh- and twelfth-grade students and teacher from Hartland Lutheran High School, Grand Island; and 35 students and sponsor in the Grand Island Youth Leadership Tomorrow Program.

The Doctor of the Day was Dr. Les Veskrna from Lincoln.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Redfield, the Legislature adjourned until 9:00 a.m., Wednesday, February 26, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

